



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/307,004	05/07/1999	RICHARD HUMPLEMAN	SAM1.0061	4283

7590 06/25/2003

SHERMAN & SHERMAN
2029 CENTURY PARK EAST
17TH FLOOR
LOS ANGELES, CA 90067

EXAMINER

CARDONE, JASON D

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/307,004

Applicant(s)

HUMPLEMAN ET AL.

Examiner

Jason D Cardone

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Attached Office Action*.



DETAILED ACTION

1. This action is responsive to the remarks of the applicant (Paper No. 8) filed on 2/24/03. Claims 1-31 are presented for further examination.
2. The specification needs to be updated with the co-pending applications [Spec, page 2].
3. Claim 25 is objected to because of the following informalities:

Claim 25 is missing limitation (ii).

Appropriate correction is required.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 3, 4, 8, 9, 11, 12, 16, 22-25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and

Art Unit: 2142

8 of U.S. Patent No. 6,198,479 (hereinafter '479) and claims 1-22 of U.S. Patent No. 6,288,716 (hereinafter '716). Although the conflicting claims are not identical, they are not patentably distinct from each other because '479 and '716 teach substantially the claimed limitations except for the storing on a database. '479 and '716 discloses a home network. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have a database to store data within a home network, in order to hold files, documents, and program code for future use.

6. Claims 1-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,466,971 (hereinafter '971). Although the conflicting claims are not identical, they are not patentably distinct from each other because '971 teaches substantially the claimed limitations except for the storing on a database. '971 discloses a home network. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have a database to store data within a home network, in order to hold files, documents, and program code for future use.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osterman et al. (hereinafter Osterman), U.S. Patent No. 5,864,669, in view of Teare et al. (hereinafter Teare), U.S. Patent No. 6,151,624.

9. Regarding claim 30, Osterman discloses in a network system for providing a service, a controller (endpoint mapper) comprising an agent (handler) that:

queries a device to obtain application interface description data when the device is connected to the network, such that the application interface description data includes information for commanding and controlling of the device by another device connected to the network [Osterman, col.4, line 30- col. 5, line 16 and col. 5, line 48 – col. 6, line 11].

Osterman does disclose the mapper to register the application interface description data [Osterman, col. 4, lines 54-67] but does not specifically disclose storing the obtained application interface description data in a database. However, Teare, in the same field of endeavor, discloses registering and storing obtained application interface description data (metadata) in a database [Teare, col. 6, lines 11-25 and col. 9, lines 5-48]. It would have been obvious to one having the ordinary skill in the art, at the time the invention was made, to incorporate a database, taught by Teare, into the network system, taught by Osterman, in order to access the information rapidly.

10. Regarding claim 31, Osterman-Teare further discloses at least one application interface description data includes XML format [Osterman, col. 1, lines 39-55] [Teare, col. 6, lines 26-57]

Art Unit: 2142

11. Regarding claims 28 and 29, claims 28 and 29 have similar limitations as claims 30 and 31. Therefore, they are rejected under Osterman-Teare for the same reasons set forth in the rejection of claims 30 and 31 [Supra 130 and 31].

Conclusion

12. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

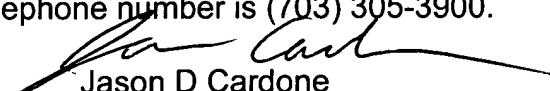
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (703) 305-8484. The examiner can normally be reached on Mon.-Thu. (9AM-6PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communications)

(703) 746-7239 (Official Communications)

(703) 746-7240 (For Status inquiries, Draft Communications).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Jason D Cardone
Examiner
Art Unit 2142

June 20, 2003